

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

IN RE:)	CHAPTER 13
)	
MELVIN ANDRE TANNER and)	CASE NO. 19-70250-FJS
CHARLEE JO TANNER)	
(fka Charlee Jo Tolentino))	
)	JUDGE FRANK J. SANTORO
DEBTORS.)	

U.S. BANK TRUST NATIONAL)
ASSOCIATION, AS TRUSTEE OF THE)
LODGE SERIES III TRUST,)
MOVANT,)

V.)

MELVIN ANDRE TANNER and)
CHARLEE JO TANNER)
2304 Broadnax Drive)
Chesapeake, VA 23323,)
DEBTORS,)

FREDERICK R. TOLENTINO)
1138 Orville Avenue)
Chesapeake, VA 23324,)
CO-DEBTOR,)

R. CLINTON STACKHOUSE, JR.,)
TRUSTEE)
7021 Harbour View Boulevard)
Suite 101)
Suffolk, VA 23435,)

RESPONDENTS.)
_____)

CONSENT ORDER MODIFYING AUTOMATIC STAY

This matter is before the court on August 20, 2019, on the motion of U.S. Bank Trust National Association, as Trustee of the Lodge Series III Trust ("Movant") for relief from the automatic stay and co-debtor stay with respect to the real property located at 2304 Broadnax Drive, Chesapeake, VA 23323 ("Property"), and is more particularly described as follows:

Keith Yacko (VA Bar No. 37854)
McMichael Taylor Gray, LLC
3550 Engineering Dr. Suite 260
Peachtree Corners, GA 30092
470-289-4347 kyacko@mtglaw.com

All that certain lot, piece or parcel of land, with its buildings and improvements thereon, situate, lying and being in the City of Chesapeake, Virginia, and being known, numbered and designated as Lot 2, as shown on that certain plat entitled "Subdivision Plat of Deep Creek Forest, Deep Creek Borough, Chesapeake, Virginia", which said Plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia, in Map Book 93, Pages 108, 108A, 108B, 108C, 108D. County of Chesapeake City, State of Virginia.

Upon consideration of which it is

ORDERED:

1. The debtors will resume making regular monthly installment payments in the amount of \$1,367.61, as they become due commencing on September 1, 2019.
2. The debtors will cure the post-petition arrearage currently due to the movant from May 1, 2019 through August 1, 2019 in the total amount of \$6,326.50, which includes attorneys' fees and filing fees by making the following payments:
 - a) \$1,054.41 on or before September 15, 2019
 - b) \$1,054.41 on or before October 15, 2019
 - c) \$1,054.41 on or before November 15, 2019
 - d) \$1,054.41 on or before December 15, 2019
 - e) \$1,054.41 on or before January 15, 2020
 - f) \$1,054.45 on or before February 15, 2020.
3. In the event of the default in payments of any regular monthly payment or cure payment fifteen (15) days after coming due, the movant must obtain relief by filing a new motion for relief from stay with appropriate notice and hearing.
4. Until an order is entered terminating the automatic stay, the movant may not refuse to accept or apply payments tendered by the debtors, even if such payments are late or in an improper amount; however, acceptance of non-conforming payments is without prejudice and shall not constitute a waiver of any default.
5. The automatic stay is modified to permit the noteholder or servicing agent to send the debtor payment coupons, payment statements, or invoices, notices of late payment changes, notices of servicing transfers, or any other notices, other than a notice of acceleration or demand for payment of the entire balance, normally sent to customers in the ordinary course of business.
6. Relief is granted as to Frederick R. Tolentino, the co-debtor, from the automatic stay imposed by §1301(a) to the same extent and on the same terms and conditions as granted as to the debtors.

7. The source of funds to make the cure payments is: Via a gift from Mr. Tanner's grandmother, Bessie Tanner.

FUTHER ORDERED:

8. That the Movant shall promptly notify the Chapter 13 Trustee in writing of the results of any foreclosure of the subject deed and pay to the Chapter 13 Trustee any excess funds received from such foreclosure sale, to be disbursed upon further order of the Court.

9. Debtor has been advised of the settlement.

10. Once the debtor makes all of the stipulated payments and regular monthly payments during the cure period as required in the Order, than all monthly payments, cost, fees, and late charges shall be deemed current from the date of the filing of the bankruptcy through the date of the entry of the Order.

11. That this Order is not binding on the Trustee and/or effective in the event of any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

12. That the Movant is not exempted from compliance with Fed. R. Bankr. P. 3002.1 in the instant bankruptcy case.

Sep 29 2019

DONE at Norfolk, Virginia, this day

/s/ Frank J. Santoro

United States Bankruptcy Judge

I ASK FOR THIS:

ENTERED ON DOCKET:

/s/ Keith Yacko

Sep 30, 2019

Keith Yacko
Virginia Bar No. 37854
3550 Engineering Dr.
Suite 260
Peachtree Corners, GA. 30092
470-289-4347
kyacko@mtglaw.com
Attorney for Movant

SEEN AND AGREED:

/s/ Genene E. Gardner
Genene E. Gardner
The Merna Law Group
3419 Virginia Beach Blvd., #236
Virginia Beach, VA 23452

Attorney for Debtor

SEEN:

/s/ R. Clinton Stackhouse, Jr.
R. Clinton Stackhouse, Jr.
7021 Harbour View Boulevard
Suite 101
Suffolk, VA 23435
Chapter 13 Trustee

CERTIFICATION

The undersigned certifies, pursuant to Rule 9022 1(e) that all necessary parties have endorsed the foregoing Order and that the Order is ready for entry.

/s/ Keith Yacko
Attorney for Movant

Will the clerk please send copies of this Order in electronic format to all parties who are listed on the ECF system and to:

Melvin Andre Tanner
Charlee Jo Tanner
2304 Broadnax Drive
Chesapeake, VA 23323

Frederick R. Tolentino
1138 Orville Avenue
Chesapeake, VA 23324